

AMENDED IN SENATE APRIL 28, 2003

SENATE BILL

No. 430

Introduced by Senators Johnson, Ackerman, Alpert, Brulte, Knight, Margett, McClintock, Oller, Poochigian, Speier, Vasconcellos, and Vincent

(Coauthors: Assembly Members Bates, Campbell, Haynes, McCarthy, and Pacheco)

February 20, 2003

An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 430, as amended, Johnson. Statewide primary election.

Existing law requires that the statewide direct primary election be held on the first Tuesday in March in each even-numbered year. It requires that, in any year evenly divisible by the number 4, the statewide direct primary election be consolidated with the presidential primary held on the first Tuesday in March in those years.

This bill would instead require that the statewide direct primary election be held on the first Tuesday after the ~~1st~~ 2nd Monday in September of each even-numbered year. It would retain the requirement that the presidential primary election be held on the first Tuesday in March in any year evenly divisible by the number 4, but would instead require that the statewide direct primary election not be consolidated with the presidential primary election in those years.

This bill, by requiring a higher level of service by local elections officials between the September statewide primary election and the ensuing November statewide general election, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 316 of the Elections Code is amended
- 2 to read:
- 3 316. "Direct primary" is the primary election held on the first
- 4 Tuesday after the ~~first~~ *second* Monday in September in each
- 5 even-numbered year, to nominate candidates to be voted for at the
- 6 ensuing general election or to elect members of a party central
- 7 committee.
- 8 SEC. 2. Section 1000 of the Elections Code is amended to
- 9 read:
- 10 1000. The established election dates in each year are as
- 11 follows:
- 12 (a) The second Tuesday of April in each even-numbered year.
- 13 (b) The first Tuesday after the first Monday in March of each
- 14 odd-numbered year.
- 15 (c) The first Tuesday in March in any year which is evenly
- 16 divisible by the number 4.
- 17 (d) The first Tuesday after the first Monday in June of each
- 18 odd-numbered year.
- 19 (e) The first Tuesday after the ~~first~~ *second* Monday in
- 20 September in each even-numbered year.
- 21 (f) The first Tuesday after the first Monday in November of
- 22 each year.
- 23 SEC. 3. Section 1001 of the Elections Code is amended to
- 24 read:



1 1001. Elections held in March in any year evenly divisible by
2 the number four, and in September and November of each
3 even-numbered year, are statewide elections and these dates are
4 statewide election dates.

5 SEC. 4. Section 1201 of the Elections Code is amended to
6 read:

7 1201. The statewide direct primary shall be held on the first
8 Tuesday after the ~~first~~ *second* Monday in September of each
9 even-numbered year.

10 SEC. 5. Section 1202 of the Elections Code is amended to
11 read:

12 1202. The presidential primary shall be held on the first
13 Tuesday in March in any year evenly divisible by the number four
14 and may not be consolidated with the statewide direct primary held
15 in that year.

16 SEC. 6. Notwithstanding Section 17610 of the Government
17 Code, if the Commission on State Mandates determines that this
18 act contains costs mandated by the state, reimbursement to local
19 agencies and school districts for those costs shall be made pursuant
20 to Part 7 (commencing with Section 17500) of Division 4 of Title
21 2 of the Government Code. If the statewide cost of the claim for
22 reimbursement does not exceed one million dollars (\$1,000,000),
23 reimbursement shall be made from the State Mandates Claims
24 Fund.

